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Attorneys for Plaintiff  
BYRON CHAPMAN

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BYRON CHAPMAN,

Plaintiff,

v.

PIER 1 IMPORTS (U.S.), INC.; dba PIER 1  
IMPORTS #1132; R/M VACAVILLE LTD; and  
DOES 1 through 10,

Defendants.

Case No. CIV.S-04-1339 LKK DAD

FINAL JUDGMENT

Date: June 26, 2007

Time: 10:30 a.m.

Location: Courtroom 4, 15th Floor

Hon. Lawrence K. Karlton

1 Plaintiff Byron Chapman together with Defendant Pier 1 Imports (U.S.), Inc. ("Pier 1"), by and  
 2 through their authorized representatives, have entered into a Stipulation for Entry of Final Judgment,  
 3 consenting to this entry of this Final Judgment, and preserving Pier 1's right to appeal the Court's  
 4 rulings in this matter and this Final Judgment. Therefore, the Court hereby ORDERS, ADJUDGES  
 5 and DECREES that:

6 Based upon the totality of Court's findings in its MSJ Order, Pier 1 is to remove the following  
 7 barriers found by the Court in the MSJ Order within one hundred and twenty days:

- 8 • Post the International Symbol of Accessibility on the Store's entrance door at 60 inches  
 9 above the floor (Court's MSJ Order at p. 21);
- 10 • Remove a waste receptacle from the clear floor space in the men's restroom (Court's  
 11 MSJ Order at p. 25);
- 12 • Ensure the service counter is between 28 and 34 inches from the floor (Court's MSJ  
 13 Order at pp. 26-27);
- 14 • Ensure the bottom edge of the men's restroom mirror is no higher than 40 inches from  
 15 the floor (Court's MSJ Order at pp. 26-27);
- 16 • Ensure that the aisle in the Store measuring 27 1/4 inches wide is modified to be 36  
 17 inches wide (Court's MSJ Order at p. 29).

18 Based upon the Court's findings in its MSJ Order, Pier 1 will make the following modification  
 19 within ninety days after Pier 1's appeal in this matter has been exhausted, or within one hundred and  
 20 twenty days, if Pier 1 does not file an appeal in this matter:


- 21 • Provide a drinking fountain stream that is at least 4 inches high (Court's MSJ Order at  
 22 p. 30).

23 Under the California Disabled Persons Act, a party is entitled to statutory damages upon a  
 24 showing that he is an individual with a disability and that the public accommodation has architectural  
 25 barriers in violation of the ADA. Cal. Civ. Code § 54.1(d). Because the Court previously found in its  
 26 MSJ Order that barriers existed at Defendant's facility in violation of the ADA, it is inevitable that the  
 27 Court will find a violation of the Disabled Persons Act. Thus, based upon the totality of the Court's  
 28 rulings, the parties stipulate that Plaintiff is entitled to \$8,000 in statutory damages under Civil Code §  
 54.3, based upon Plaintiff's visits to the facility on May 22, 2004, and June 4, 2004.

1 The Court shall retain jurisdiction over this matter for purposes of enforcing this Final  
2 Judgment.

3 All other matters not otherwise addressed by this Final Judgment or the parties' Joint  
4 Stipulation for Entry of Final Judgment, filed concurrently herewith, are dismissed with prejudice.

5  
6 Dated: June 22, 2007.

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10 LAWRENCE K. KARLTON  
11 SENIOR JUDGE  
12 UNITED STATES DISTRICT COURT  
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